



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,348	12/15/1999	MILAN M. SHAH	13768.122	7423

7590 11/21/2003

RICK D. NYDEGGER
WORKMAN, NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 11/21/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/464,348

Applicant(s)

SHAH ET AL.

Examiner

Barbara N Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-12,20-22 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9-12,20-22 and 33-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is a response to Request for Continuation Examination (RCE) filed October 13, 2003. Claims 1, 9-12, 20-22, and 33-42 are presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9-12, 20-22, and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thurlow et al. (hereinafter "Thurlow", 5,917,489) in view of Gainey et al. (hereinafter "Gainey", US 2002/0099681 A1).

As per claims 1 and 12, Thurlow does not explicitly disclose:

- Assigning a user-defined priority to the user-created command relative to an assigned priority of the standard command, wherein the user-defined priority is assigned only after the user-created command is registered in one or more databases that store the standard command;
- Executing at least one of the standard command and the user-created command in order of assigned priority.

Art Unit: 2157

However, in an analogous art, Gainey discloses assigning priority to the rules used to manipulate the messages as well as executing the rules based on their individual priority (paragraphs [0033] – [0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate assigning priority to the commands in Thurlow's method making the rules effective in such a manner that no rule actions conflict with each other.

As per claims 9-11 and 20-22, Thurlow discloses:

- The standard command is stored in a first database (column 8, lines 41-46, column 10, lines 41-47, column 14, lines 50-54);
- The user-defined command is stored in a second database (column 8, lines 41-46, column 10, lines 41-47, column 14, lines 50-54);
- The first database and the second database are the same database (column 8, lines 41-46, column 10, lines 41-47, column 14, lines 50-54).

As per claims 33 and 38, Thurlow further discloses including an act of identifying the at least one of the standard command and the user-created command that is to be executed based upon a determination of whether the user-created command is registered in an event-binding database (column 10, lines 40-45, column 12, lines 57-67, column 17, lines 1-25).

Art Unit: 2157

As per claims 34 and 39, discloses including an act of registering the user-created command into an event-binding database and prior to executing the user-created command an act of determining that the user-created command is registered in the event-binding database (column 9-13).

As per claims 35-36, and 40-41, Thurlow does not explicitly disclose:

- The priority of the standard command is a neutral priority.
- The assigned priority of the user-created command is a priority other than a neutral priority.

However, in an analogous art, Gainey discloses assigning priority to the rules used to manipulate the messages as well as executing the rules based on their individual priority (paragraphs [0033] – [0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate assigning neutral priority to the commands as well as a priority other than neutral in Thurlow's method making the rules effective in such a manner that no rule actions conflict with each other.

As per claims 37 and 42, Thurlow does not explicitly disclose:

- An act of sorting at least the user-created command and the standard command in a database based upon their priority prior to executing the at least one of the standard command and the user-created command.

Art Unit: 2157

However, in an analogous art, Gainey discloses a rule list in which action priority is determined by the rule's order (paragraph [0043]-[0045]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate sorting the commands based on priority in Thurlow's method in order to determine the order of the rules and which rule(s) has the highest priority.

Response to Arguments

The Office notes the following arguments:

- (a) Gainey fails to teach these claimed elements of "assigning a user-defined priority to the user-created command relative to an assigned priority of the standard command; and executing at least one of the standard command and the user-created command in order of priority" particularly in combination with the other recited claim elements.
- (b) Gainey, however, does not appear to accommodate any customizable priority settings, particularly with reference or relation to standard rules, as is claimed in the present application.
- (c) Gainey fails to teach that the user-defined priority is assigned only after the user-created command is registered in one or more databases that store the standard command, as is now recited in the amended independent claims.

3. Applicant's arguments filed have been fully considered but they are not persuasive.

Art Unit: 2157

In response to:

(a)-(b) Gainey does teach assigning a user-defined priority relative to that of the standard command and executing the commands in order of the defined priority. This is shown in the following sections of the reference (paragraphs [0034-0051]).

(c) Gainey further teaches the user-created commands are registered in a database along with the standard commands. This is clearly shown in the following sections of the reference (paragraphs [0052-0063, 0069]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess
Examiner
Art Unit 2157

Application/Control Number: 09/464,348

Page 7

Art Unit: 2157

November 17, 2003

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a large, stylized loop at the end.

SALEH NAJJAR
PRIMARY EXAMINER